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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,660	12/04/2000	Donald F. Gordon	19880003810	6347

56015 7590 08/23/2006

PATTERSON & SHERIDAN, LLP/  
SEDNA PATENT SERVICES, LLC  
595 SHREWSBURY AVENUE  
SUITE 100  
SHREWSBURY, NJ 07702

EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/729,660	<b>Applicant(s)</b> GORDON ET AL.	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-21, 23, 24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-21, 23-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Page 4, filed 7/13/2006, with respect to the rejection(s) of claim(s) 18 and 28 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hanaya in view of Entwistle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-19, 21, 23-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya et al. (U.S. Patent No. 6,519,009) in view of Entwistle (U.S. Patent No. 6,696,556).

Referring to claim 18, Hanaya discloses a method for producing a user interface having included therein a plurality of regions (see Figure 19 and Column 9, Lines 30-35). The examiner notes that the EPG of Figure 19 displays multiple regions.

Hanaya discloses receiving a bitstream comprising packets for a plurality of slices for a guide region of the user interface (see Column 9, Lines 36-54 for transmitting the plurality of slices (programs and channel displayed in the EPG) for a

guide region (the program and channel display region of Figure 12) of the user interface and Figure 4 for the receiver that receives the bitstream including the program guide data), wherein each slice is designated for presentation at a particular slice location in the guide region (see Figure 19 which displays a program guide with multiple slices for each program and channel), and wherein multiple slices are transmitted for each of at least one slice location in the guide region (see Figure 12 for multiple programs being transmitted for a particular channel, therefore multiple program slices are transmitted for each of at least one channel slice location in the guide region (the channel and program section display in Figure 19)).

Hanaya also discloses retrieving from the bitstream, packets for a set of slices for the guide region (see Figure 9 for transmitting multiple packets containing sets of slices, Figure 12 for transmitting a set of slices (program and channel) for the guide region, and Figure 4 and Column 9, Lines 62-65 for retrieving from the bitstream the packets transmitted).

Hanaya also discloses decoding the retrieved packets to form the guide region of the user interface (see Column 9, Line 65 through Column 10, Line 6).

Hanaya discloses that each slice includes a header indicative of a start location and a stop location for the slice (see Figure 12 for the header portion comprising a start time and guide length (which represents a stop location)).

Hanaya fails to teach modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices.

Entwistle also discloses receiving EPG data at a television receiver (see Column 1, Lines 16-18). Entwistle further discloses that if the viewing of a program or programs has occurred, storing the program or programs and adjusting the location of the program or programs in the EPG (see Column 1, Line 50 through Column 2, Line 3). Therefore, Entwistle teaches modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices (modifying the location based a delay of the program being viewed, not the incoming EPG information received by the television receiver).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with program slices, as taught by Hanaya, using the EPG location adjustment functionality, as taught by Entwistle, for the purpose of synchronizing the adjusted EPG details to take into account the delay in display of program material (see Column 3, Lines 7-9 of Entwistle) in order to inform the user that a delayed program is still available for viewing.

Referring to claim 19, Hanaya discloses that a plurality of sets of slices are received for the guide region (see Figure 12 for receiving multiple channels and multiple programs for each channel), decoding packets for the plurality of sets of slices (see Column 9, Line 65 through Column 10, Line 6) and presenting the plurality of sets of slices in the guide region (see Figure 19) at times designated by the header associated

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with the slices (see Figure 12 for the header containing the start time and time length of when the program is to be displayed in the program guide).

Referring to claim 21, Hanaya discloses receiving a user selection for a particular slice location of the guide region (see Figure 18 for the selection of the General Guide slice location).

Hanaya also discloses retrieving from the bitstream, packets for an additional slice associated with the selected slice location (see Figure 12 for receiving numerous channels and programs).

Hanaya also discloses decoding the retrieved packets for the additional slice (see Column 9, Line 65 through Column 10, Line 6) to form an updated user interface having included therein the additional slice (see Figure 19 for the display of the General Guide selection, which displays an updated user interface based on the current time of day the viewer activates the program guide).

Referring to claim 23, Hanaya discloses that the header for each slice is a slice start code defined by the MPEG-2 standard (see Column 6, Lines 7-24).

Referring to claim 24, Hanaya discloses that each decoded slice is presented at a location identified by the header (see Figure 19 for programs being displayed at on their respective channels and start and end times).

Referring to claim 26, Hanaya discloses recombining the slices for the guide region with slices for at least one additional region in the user interface (see Figure 19 for the program description window, which displays a description of the program highlighted in element 212). The examiner notes that everytime a particular slice is selected in the guide region then a slice representing the program description will be displayed in the additional region in the user interface.

Referring to claim 27, Hanaya discloses that the recombining is performed in accordance with a splicing syntax defined by the MPEG-2 standard (see Column 10, Lines 1-17 for decoding the EPG data according to the MPEG-2 standard, therefore the program title data and the program description that are displayed together according to the data separated and then recombined on the screen according to the MPEG-2 standard).

Referring to claim 28, see the rejection of claim 18.

Referring to claim 29, Hanaya discloses that one or more encoded slices for each slice location include guide data for an interactive program guide (see Figures 12 and 19).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya et al. (U.S. Patent No. 6,519,009) in view of Entwistle (U.S. Patent No. 6,968,566) in further view of Ihara (U.S. Patent No. 6,266,813).

Referring to claim 20, Hanaya discloses all of the limitations of claim 18, as well as multiplexing the program guide data (plurality of sets of slices) at Column 2, Line 61 through Column 3, Line 11, but fails to teach the use of a time division multiplexing scheme.

Ihara discloses the use of a TDM scheme for combining program guide data along with television programs (see Column 3, Line 66 through Column 4, Line 19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the multiplexing method, as taught by Hanaya and Entwistle, using the TDM method, as taught by Ihara, for the purpose of allowing more data to be sent over a physical medium and providing a better quality of service.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.



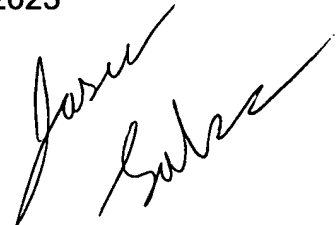
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

August 17, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the printed name and title of the examiner.